

Scottish Resilience
Fire and Rescue Services Unit

T: 0131-244 2166 F: 0131-244 2864
E: Graeme.Fraser@scotland.gsi.gov.uk



The Clerks to the Joint Fire and Rescue Boards
The Chief Executive, Dumfries and Galloway Council
The Chief Executive, Fife Council
The Chief Officers



6 July 2009

Dear Sir or Madam

SCOTTISH FIRE SERVICE CIRCULAR 8/2009

The Adult Support and Protection (Scotland) Act 2007

PROTECTION OF PERSONS AT RISK OF HARM

1. It is well established that Fire and Rescue Services will attempt to ensure that appropriate safeguards are put in place when they discover those members of the community thought to be particularly at risk of harm. FRSs may become aware of persons at risk of harm, during community safety activity such as home fire safety checks or as a result of attendance at fires.
2. Extended legal powers for the support and protection of such persons are now in place as a result of Part 1 of the Adult Support and Protection (Scotland) Act 2007 ("the Act"). The Act places a duty on councils to inquire and intervene where necessary, if they know or believe that a person is an "adult at risk" and that action needs to be taken to protect them. To comply with this duty, authorised council officers may therefore require a fire and rescue service, holding any records relating to an individual whom the officer knows or believes to be an adult at risk, to make those records available.
3. Each FRS should ensure that the procedures it has in place for referring "adults at risk" of harm, to council social work departments, are appropriate to allow the council to exercise its duty to inquire and intervene under the Act where appropriate.

4. An 'adult at risk' is a person aged 16 or over who:
- is unable to safeguard their own well-being, property, rights or other interests;
 - is at risk of harm; and
 - because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

All three of these criteria must be met.

5. An adult is at risk of harm if another person's conduct is causing (or is likely to cause) the adult to be harmed, or the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm. Harm includes all harmful conduct, whether this is physical or psychological, neglect, sexual abuse or financial exploitation, whether intended or unintended.
6. Information on Part 1 of the Act can be accessed at <http://www.scotland.gov.uk/Publications/2008/07/10140804/1> further information may also be obtained from the Adult Protection Legislation Team; contact details can also be found using the above link.

Yours faithfully



Graeme Fraser